

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 08-60749

IN RE: ALFRED DAVIS HICKS

Movant

U.S. COURT OF APPEALS

FILED

NOV 04 2008

CHARLES R. FULBRUGE III
CLERK

Motion for an order authorizing
the United States District Court for the Southern
District of Mississippi to consider
a successive 28 U.S.C. § 2254 application

Before WIENER, GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:

Alfred Davis Hicks, Mississippi prisoner # 34132, seeks this court's authorization to file a second or successive 28 U.S.C. § 2254 application. Following revocation of probation, Hicks is serving the final 18 years of a sentence imposed for drug trafficking crimes. He asserts that his original criminal case was improperly transferred from the state youth court to the state circuit court. He does not attempt to make a prima facie showing that his claims involve either a newly discovered factual predicate that could not have been discovered previously through due diligence, or a new rule of constitutional law made retroactive to cases on collateral review by the United States Supreme Court. See 28 U.S.C. § 2244(b)(2), (b)(3)(C).

IT IS ORDERED that his motion for authorization to file a successive § 2254 application is DENIED.

A true copy
Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

By Charles R. Fulbruge III
Deputy
New Orleans, Louisiana NOV 04 2008